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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,323	09/26/2005	Frank Striggow	LNK-007	8223

31496   7590   06/18/2007

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EXAMINER
CLARK, AMY LYNN

ART UNIT	PAPER NUMBER
1655	

MAIL DATE	DELIVERY MODE
06/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER

06082007

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Acknowledgment is made of the receipt and Applicant's election of Group I, Claims 1-6, 16 and 17 filed on 03/30/2007. However, Applicant is not fully responsive to the restriction requirement because Applicant must elect one or more conditions from claim 1 to be treated by a specific active ingredient from claim 1. Please note that Applicant should only elect a condition that is treatable by the specific composition comprising the elected active ingredient from claim 1 and an additionally elected ingredient from claim 3, 4, 5, or 6, provided that it is enabled by the specification (See the Previous Office Action, (i) Elect one ore more of the following: treat cranial trauma, prevent cranial trauma, treat brain trauma, prevent brain trauma, treat cerebral ischemia or prevent cerebral ischemia. If treat cerebral ischemia or prevent cerebral ischemia is elected, further elect apoplexy, cardiac infarction or an operation from claim 2.). Applicant was also required to elect one additional active ingredient from claim 3, 4, 5 or 6 (ii) and to elect one form of medicament from 16 and either tablet or solution from claim 17 (iii). It is suggested that Applicant elect one specific combination of ingredients and one specific disease to be treated in order to better define Applicant's invention. Applicant must also make sure to identify which claims are readable upon the elected invention in order to be fully responsive. Furthermore, Applicant is only allowed to elect these species from the claims filed on 09/16/2005 since the response Applicant sent was in response to the Office Action mailed out referencing these claims. Finally, if Applicant submits new claims, Applicant is required to add the appropriate status identifier (Withdrawn, Currently Amended, etc.) to be compliant, irrespective of whether Applicant agrees with the Examiner's restriction requirement or not.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a)."

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

MICHELE FLOOD
PRIMARY EXAMINER

	Application No.	Applicant(s)
Notice of Non-Compliant Amendment (37 CFR 1.121)	10/549,323	STRIGGOW ET AL.
	Examiner	Art Unit	
	Amy L. Clark	1655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on <u>30 March 2007</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
    ☐ A. Amended paragraph(s) do not include markings.
    ☐ B. New paragraph(s) should not be underlined.
    ☐ C. Other _____.

☐ 2. Abstract:
    ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    ☐ B. Other _____.

☐ 3. Amendments to the drawings:
    ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    ☐ C. Other _____.

☒ 4. Amendments to the claims:
    ☐ A. A complete listing of all of the claims is not present.
    ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
    ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    ☐ E. Other: _____.

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
_____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

    <u>Extensions of time</u> are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

    <u>Failure to timely respond</u> to this notice will result in:
        Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
        Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

MICHELE FLOOD
PRIMARY EXAMINER

Legal Instruments Examiner (LIE), if applicable	Telephone No.

U.S. Patent and Trademark Office

Part of Paper No. 06082007

When submitting new claims in response to an Office Action, Applicant is required to place the appropriate status identifier next to each claim whether Applicant agrees with the Election/Restriction requirement or not.   Therefore, non-elected claims are to be marked as (Withdrawn).